



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,509	01/26/2005	Jimmy Christian Hotz	XSTRM-0001	3468

7590 02/12/2007
David B Ritchie
Thelen Reid & Priest
PO Box 640640
San Jose, CA 95164-0640

EXAMINER

LIPMAN, JACOB

ART UNIT	PAPER NUMBER
----------	--------------

2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/522,509

Applicant(s)

HOTZ, JIMMY CHRISTIAN

Examiner

Jacob Lipman

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 10-13, 16-34, 38, 41-43, 46-68 and 71-75 is/are pending in the application.

4a) Of the above claim(s) 49-64, 66-68 and 71-75 is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-3, 7, 10-13, 16-34, 38, 41-43, 46-48 and 65 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-48 and 65 in the reply filed on 18 December 2006 is acknowledged.
2. Applicant canceled claims 4-6, 8-9, 14-15, 35-37, 39-40, 44-45, and 69-70 in the preliminary amendment of 26 January 2005.

Information Disclosure Statement

3. The examiner considered the information disclosure statement (IDS) submitted on 26 January 2005.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 38 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The transforming step uses the selected table, so the selecting must have already occurred for the transforming to continue.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 7 recites the limitation "said table selector". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3, 7, 10-13, 16-34, 38, 41-43, 46-48, and 65, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Brockman, USPN 4,853,962.

With regard to claims 1, 7, 17, 21, 29, 38, 47, and 65, Brockman discloses an apparatus for encrypting/decrypting data (column 1 lines 5-7), the apparatus including a first plurality of encryption tables (column 1 lines 61-63), each of the encryption tables being capable of transforming a data value into an encrypted/decrypted value (column 1 lines 62-63), the data value corresponding to a unit of the data (column 3 lines 24-25), the encrypted/decrypted value corresponding to a unit of encrypted/decrypted data

Art Unit: 2134

(column 3 lines 27-29) a second plurality of selection tracks, each of the selection tracks including a series of values having a certain pattern, a track mixer coupled to said second plurality of selection tracks, adapted to combine corresponding values of the selection tracks to produce a series of combined values (column 3 lines 46-52) and an encryption/decryption module coupled to said first plurality of encryption tables and said track mixer, adapted to transform each unit of the data into a unit of encrypted/decrypted data (column 1 lines 61-63) using an encryption table selected for that unit in accordance with a combined value in the series of combined values (column 2 lines 64-66).

With regard to claims 2, 18, 30, and 33 Brockman discloses the tracks are generated from source files (column 3 lines 21-24).

With regard to claims 3 and 34, Brockman discloses selecting a size for the unit (column 3 lines 46-57)

With regard to claims 10 and 41, Brockman discloses an encryption table bank and a decryption bank (column 3 lines 53-68).

With regard to claims 11, 16, 22-24, 42, and 46, Brockman discloses the encryption tables have corresponding decryption tables (column 3 lines 53-68).

With regard to claims 12 and 43, Brockman discloses the tables having the same address at the transmitter and receiver (column 4 lines 1-8), thus they are offset from each other by 0.

With regard to claims 13 and 48, Brockman discloses using the index to select a table (column 3 line 53-column 4 line 8).

With regard to claims 19, 20, 31, and 32, Brockman discloses modifying the serial number to create an index (column 3 lines 46-57).

With regard to claims 25, 26, and 27, keys inherently have a length that is different than other existing keys.

With regard to claim 27 Brockman discloses no keys derived by multiplying or dividing the length by 2.

Conclusion

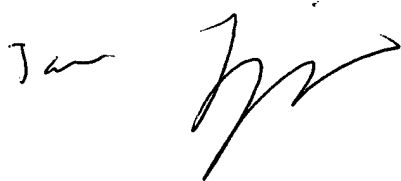
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

A handwritten signature in black ink, appearing to be "JL" followed by a stylized flourish.